

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Criminal Action No.  
                                ) 13-00332-01-CR-W-DGK  
BILLY G. KELLER,           )  
                                )  
Defendant.                 )

**ORDER AFFIRMING MAGISTRATE'S REPORT AND RECOMMENDATION**

On September 10, 2013, the Court ordered Defendant to undergo a psychological examination pursuant to 18 U.S.C. § 4241 for a judicial determination of Defendant's mental competency. Defendant was examined by Dr. Elizabeth Tyner, who prepared a report dated November 27, 2013. A competency hearing was held before United States Magistrate Judge Robert E. Larsen on December 30, 2013.

On January 7, 2013, Judge Larsen entered a "Report and Recommendation," recommending that Defendant be found incompetent to proceed. No objections were filed by the parties. Therefore, after making an independent, de novo review of the record and applicable law, it is

ORDERED that the "Report and Recommendation" of Magistrate Judge Larsen is adopted in its entirety. This Court finds that Defendant is incompetent in that he is presently suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or properly assist in his defense. It is further

ORDERED that defendant Keller is committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d).

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

Date: January 14, 2014